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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,765	10/16/2001	Alan J. Janicek	03DV09036	9909

7590

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EXAMINER
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EASTHOM, KARL D

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/682,765	<b>Applicant(s)</b> JANICEK ET AL.	
	<b>Examiner</b> Karl D Easthom	<b>Art Unit</b> 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, “the corresponding female conductive connection element on the electrically isolated plug” lacks antecedent basis in the claim. Then, the next line “a connection end of an electrically isolated plug” is not clear because it is not clear if it is part of the plug just noted where “an plug” indicates it is a new plug. Next, it is not clear to what “said plug” refers since there are at least two introduced.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Thaler.

Thaler discloses the claimed invention at Fig. 1 with PTC element 50 having engagement member 26, body 12 having socket 80, male terminal 72 plug 94 having female conductive connection 92, 96 – see fig. 6. In claim 7, 62 is a plate. In claim 10, what is removed is not material to the claim since there is no structure distinguishing the plate.

5. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamakawa (JP 62174581). Yamakawa discloses the claimed invention at Figs. 1-2 with PTC element in body 11, 13 with engagement member any part thereof, plug 17 with female terminals 18, shown in the socket having male terminals 16. In claim 6, the socket housing 11 on 13 is another socket and is a different size since the lower part of 13 that fits plug 17 is a little longer than the groove of 13 at the top housing the plug 11, as seen at Figs. 1-2.

6. Claims 1, 5, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirtz (DE 3311811). Hirtz discloses the claimed invention at Fig. 1 with PTC elements 43, socket having the male terminals wires 44, plug 25 depicted thereat having female conductive connections, and an engagement member the part contacting the plug. In claim 5, the two male terminals are isolated from each other by the insulator holding same. In claim 7, 42 are plates. In claim 10, what is removed is not material to the claim since there is no structure distinguishing the plate

7. Claims 1, 5, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Claassen et al. (GB 2199451). Claassen discloses the claimed invention at Fig. 1 with PTC element around wires 4 housed in body 6 socket having the male terminals wires 44, plug 25 depicted thereat having female conductive connections, and an engagement member the part contacting the plug. In claim 5, the two male terminals are isolated from each other by the insulator holding same. In claim 7, 42 are plates. In claim 10, what is removed is not material to the claim since there is no structure distinguishing the plate

8. Claims 1, 3- 5, 7 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Copper et al. (Copper has filing dates based on provisional applications of 8/21/01 or 9/21/01 as

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noted at the top of col. 1.) Copper discloses the claimed invention at Figs. 5-7 with PTC element 6 housed in body 40,48, socket in 40 having male terminals 8,12, plug 52 having female conductive connections 32 at Fig. 2, and an engagement member 44a. The sleeves 158, are sheaths, see Fig. 12, col. 13, lines 40-50, which are similar to the sleeve or sheath 32 at Fig. 2, and said sheath, depicted as plastic is insulating, with a portion of same inside socket 40. Or see the sheath 162 at Fig. 23 in the plug 160 having female terminals. In claims 3-4, the plug has locking flexible arm 58/54A with tab 56 locking with the underside the engagement member 44A. In claim 5, the two male terminals are isolated from each other by the PTC resistor. In claim 7, 18, 14 are plates. In claim 9, the plate is the form of the PTC element 6 which is attached by soldering. In claim 10, metal must be removed from 12 or 18 to make the part. and it is not material if it is a terminal or not.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Copper et al. The claimed invention is disclosed except the welding. Soldering and welding are well known interchangeable methods to join electrical parts so that it would have been obvious to employ the technique where soldering is disclosed in order to facilitate an electrical connection, where both include as definitions the joining of metals using another metal, see Webster's II, New Riverside Dictionary.

11. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fabricius in view of Fukada. Fabricius discloses the claimed invention at Fig. 5 except the plug with female terminals. Fukada discloses female plug 17 at Fig. 1A for connecting and locking to a male part (abstract) such as that of Fukada, so that it would have been obvious to ensure a locked connection where the Fabricius male terminal must be connected in order to work. In Fukada, any part of the socket 27 such as the bottom is the engagement member housing the male terminal, with PTC element inside.

12. Claims 1 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segler in view of Fukada. Segler discloses the claimed invention at Fig. 3 except the plug with female terminals. Fukada discloses female plug 17 at Fig. 1A for connecting and locking to a male part (abstract) such as that of Fukada, so that it would have been obvious to ensure a locked connection where the Fabricius male terminal must be connected in order to work. In Segler any part of the socket 66 such as the bottom is the engagement member housing the male terminal 135, with PTC element 60, see col. 9, lines 35-45. For claims 7-10, the leads 240 are in the form of plates, and col. 1, lines 25-35 discloses soldering or welding for attachment as known in the art so that it would have been obvious. For claim 10, some metal must be removed to make the terminals, meeting the claim.

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fabricius in view of Fukada, further in view of admitted prior art. The invention is as noted above except the capacitor. Applicant admits by way of discussion of Figs. 1-2 that the devices typical in the art frequently have a capacitor, and such would have been obvious where Fabricius is a typical prior art device.

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14. Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection. The argument that Fabricius does not have an engagement member is not correct where the broad term can be any part of the body or socket. As to Segler not disclosing a current limiting assembly, this is not correct where any resistor limits current.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D Easthom whose telephone number is 703 308-3306. The examiner can normally be reached on M-Th, 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 703 308-1976. The fax phone number for the organization where this application or proceeding is assigned is 703 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0956.



Karl D Easthom  
Primary Examiner  
Art Unit 2832

KDE